FOR MYSORE STATE

50.

Rural welfare (1953) Department.

Ms. SERIES.

G.O. NO. 264

Dated 20.2.53.

Chief.

Sec'y

[Despatch Abstract:]

HR and CE Act 1951 - Srisailam Amrutheswara temple, Manjeshwar - Appeal petition against the order of the Dy. Commr Coimbatore - orders issued.

BEFORE THE GOVERNMENT OF MADRAS.

REVISION NO. OF 1953.

Under Section 99 of the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951).

Between

Vittal Bhat ... Applicant.

and

1. The Deputy Commissioner for Hindu Religious and Charitable Endowments, Coimbatore.
2. The Executive Officer, Srimath Anantheshwar Temple, Manjeshwar.
3. M. Vittal Kamath.
4. M. Bhaskar Kamath.
5. M. Sarvotham Shenoy.
6. K. P. Kamath. ... Respondents.

From the Order No. Memorandum No.19049/52-3 dated 15.1.1953 of the Deputy Commissioner, Hindu Religious and Charitable Endowments (Adm.) Dept. R.S.Puram, Coimbatore.

M. Vittal Bhat

... for Applicant.

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From the Order No. Memorandum No. 19049/52-3 dated 15.1.1953 of the Deputy Commissioner, Hindu Religious and Charitable Endowments (Adm.) Dept. R.S.Puram, Coimbatore.

M. Vittal Bhat

Petitioner/Applicant.

The applicant begs to state as follows:-

1. The applicant is the son of Rama Bhat, aged about 36 years, Hindu, Gowd Saraswat Brahmin, Manager of Srimath Anantheshwar Temple, Manjeshwar, South Kanara, and residing in Manjeshwar, South Kanara District. His address for service of all process and notices is as stated above.

2. The 1st respondent is the Deputy Commissioner for Hindu Religious and Charitable Endowments, R.S.Puram, Coimbatore.

The 2nd respondent is the Executive Officer, of Srimath Ananteshwar Temple, Manjeshwar, South Kanara;

The respondents 3 to 5 are the trustees of Srimath Ananteshwar Temple, Manjeshwar, South Kanara;

The 6th respondent is the son of K.Subraya Kamath, aged about 59 years, Hindu, Gowd Saraswat Brahmin, landholder and residing in Karkal Kasba, Karkal Taluk, South Kanara District.

3. <u>The subjectmatter of the Revision application.</u>

(a) The 6th respondent was the Executive Officer, of Srimath Anantheshwar Temple, Manjeshwar, South Kanara, and the applicant is the manager of the said temple.

(b) On 6.9.1952, the 6th respondent was granted 14 days' leave and he was directed to hand over charge to the applicant, as is evidenced by the telegram of the 1st respondent, dated 6.9.1952.

Ananthesvar Temple.

(g) On the expiry of the leave so extended, the 6th respondent applied for 30 days leave on medical grounds and the 6th respondent was accordingly granted leave by the 1st respondent as per the order on Memorandum No. 12919/52-3 Adm. dated 13-10-1952. In the said order, the 6th respondent was however requested to arrange to hand over the keys of the double lock in his custody or possession to the local trustee, the 4th respondent herein. But the applicant submits that the 6th respondent never arranged to hand over the keys of the double lock, to the local trustee, the 4th respondent herein. The applicant however continued in charge of the office of the Executive Officer of Srimat Ananthesvar Temple, Manjeshwar, handed over to him by the 6th respondent on 6-9-1952, as per the order of the 1st respondent.

(h) On the expiry of the one month's leave granted on medical ~~leave~~ grounds, the 6th respondent further applied for further period of 30 days leave on medical grounds and the extension so applied for was granted by the 1st respondent as per the order on the Memorandum No. 12919/52-4 Adm. dated 29-10-1952. So, the applicant still continued to hold the office of the Executive Officer, of Srimat Ananthesvar Temple, ~~Mangalore~~ Manjeshwar.

(i) On 6-12-1952, the 6th respondent wrote a letter to the applicant intimating to him (the applicant) that the 6th respondent had received orders to the

on 11.12.1952 nor had he stayed in Manjeshwar on the night of 9.12.1952. The applicant was not present in Manjeshwar, on 12.12.1952, owing to his tour-programme. From this it is clear that the 6th respondent has not and could not hand over his charge to the 2nd respondent till 13.12.1952.

(k) On 13.12.1952, the Court of the Subordinate Judge of South Kanara in the application R.I.A.3655/52 in O.S.No.61/1947 (B. Ananda Baliga versus Srimath Ananteshwar Temple, Manjeshwar and others) filed for an injunction to restrain the Hindu Religious and Charities Board, Madras, from appointing a non-Gowd Saraswath Brahmin as an Executive Officer for Srimath Ananteshwar Temple, Manjeshwar, South Kanara, and to restrain the 6th respondent, if the 2nd respondent has been already appointed as Executive Officer, from handing over charge of the Srimath Ananteshwar Temple, Manjeshwar, to the 2nd respondent passed an interim order that the status quo as on 13.12.1952 should be maintained. The said interim order is still in force.

(l) The applicant as the Executive Officer in charge, applied for payment of his T.A.Bill for September 1952. The applicant was directed by the 1st respondent to submit the vakil's certificate and the applicant is also informed by the 1st respondent that the applicant's bills as Executive Officer-in-charge can be counter-signed by the 1st respondent as per the

the Subordinate Judge of South Kanara dated 13.12.1952 in R.I.A.No.3655/1952 to maintain status quo as on 13.12.1952, the 1st respondent has passed an order on 15.1.1953 on the memorandum 19049-3/52 Adm. to the following effect:-

"Sri Vittal Bhat, manager of the temple is informed that as he was not appointed to act as or even to be in charge as Executive Officer when Sri K.P.Kamath went on leave and that the charge lists prepared and signed by him at the time of Sri Kamath's proceeding on leave were no more than vouchers to evidence of his getting possession of the properties of the temple and to safeguard the interests of the temple, there was no question of or much less need for Sri Kamath taking charge from him (Vittal Bhat) when he (Kamath) resumed after leave on 8.12.1952 except to verify the articles handed over for use in the administration and even otherwise on Sri Kamath's joining duty on 8.12.1952, he (Vittal Bhat) had no other responsibility than as manager. In the circumstances, he has nothing to do and should not interfere with the Executive officer."

(o) The applicant submits that the above-mentioned order was received by him on 19.1.1953. The said order has been communicated by the 1st respondent to the respondents 2 & 6 also.

(p) It is respectfully submitted that the above order of the 1st respondent is contrary to law, equity

vouchers to evidence the applicant's getting possession of the properties of the Temple is incorrect and not justifiable.

(r) The 1st respondent is wrong in finding that there is no need for the 6th respondent taking charge from the applicant, when the 6th respondent resumes after leave.

(s) The 1st respondent has erred in holding that articles of the temple were handed over to the applicant only for use in the administration; the 1st respondent has failed to see that articles were handed over to the applicant as Executive Officer-in-charge.

(t) The view of the 1st respondent that the 6th respondent has joined duty on 8.12.1952 is incorrect and unwarranted by any evidence.

(u) The applicant submits that (i) the telegram of the 1st respondent dated 6.9.1952; (ii) charge Report and Receipt for cash C.No.670/62 dated 6.9.1952, on the file of the office of the Executive Officer, Srimathx Anantheshwar Temple, Manjeshwar, South Kanara; (iii) Memorandum No.12919/52-1 Adm.dated 9.9.1952 of the 1st respondent; (iv) Memorandum No.14480/52-3 dated 8.12.1952 of the 1st respondent; (v) the witness summons dated 17.12.1952 served on the applicant by the Court of the Subordinate Judge of South Kanara in

12

R.I.A.No.3655/1952 in O.S.No.61/1947 on its file clearly prove that the applicant has been also acting as Executive Officer in charge as from 6.9.1952.

4. The applicant submits that he is much aggrieved by the aforesaid order dated 15.1.1953 and referred to in paragraph 3 (o) supra. The said order may lead to serious consequences. The respondents may treat all the acts done by the applicant bonafide and good faith, in the discharge of his duties both as manager and as Executive Officer-in-charge as from 6.9.1952 as illegal, invalid and not binding on the temple. The temple will be affected very much.

5. The applicant therefore prays that the telegram, orders, letters, memorandums, reports, the court notices and processes, records and proceedings referred to in paragraphs III (a) to (u) and (v) supra may be called for and examined and the order of the Deputy Commissioner, for Hindu Religious and Charitable Endowments, Coimbatore, dated 15.1.1953, on the memorandum No.19099/52-3 Adm. may be either annulled, reversed or remitted for re-consideration.

Manjeshwar,
12.2.1953.

M. Vittal Hegde
Applicant.

I, the abovenamed applicant do hereby declare that what is stated above is true to my knowledge.

Manjeshwar,
12.2.1953.

M. Vittal Hegde
Applicant.

Documents filed.

1. 15.1.1953. Order of the Deputy Commissioner, Hindu Religious & Charitable Endowments, Adm. Dept. Coimbatore.

N.B. This is the order sought to be revised.

Manjeshwar,
12.2.1953.

M. Vithal Rao

Applicant.

1/5 / R.W. V

1 Issue pp
20/2/53

H.R.&C.E Act 9 Srimath Anantheshwarar temple, Manjeshwar — Appeal petition against the orders of the Dy Commr C.E.E — Enders issued

Read: From Sri. Vittal Bhat petition dt. 12-2-53

pp 1-13 C/f
1 Issue pp
20/2/53

G.O.(MS) No 264 R.W. dt. 20.2.53

The petitioner should approach the commr. H.R.&C.E.(A) Dept. first under Sect. 18 of the H.R.&C.E Act, 1951, before taking ~~an appeal~~ the matter in revision to the Govt.

Madras

TO

Sri. Vittal Bhat
Manager, Srimath
Anantashwarar
temple, Manjeshwar
(with enclosure/s & C.C. Court fee stamp

19/2/53

4.2.53

20.2.53

COUPON The remitter may write here any communication to the payee and his name and address overleaf

REGIONAL ASST. SECRETARY TO G. [illegible]

17 FEB 1953

RURAL WELFARE DEPARTMENT

Rs. 3/- money order to respondents in the revision application No [illegible] /1953 sent by [illegible] may under rule 100 (2) of the rules framed under H. R. & C. Act 1951

M. Vittal Bhat

SA

Letter No 10468 R.W.V/53 Idt 4.3.53

To

The Manager, Reserve Bank of India, Madras (No 2)

(R. 3/ only)

Sir,

I am directed to remit a sum of Rs. 3/- (Rupees three only) being the process fees sent by one Sri M. Vittal Bhat in connection with his petition under Sect 99 of the H.H.R & C.E. Act, 1951 relating to Srimath Anantheshwar temple, Manjeshwar, S.K.Dt. The amount may be credited to "XXXVI Misc. Depts. 2. Misc - Admn of the H.H.R & C.E Act, 1951 - S.A. 20 "Misc Receipts".

SBR 3353 4.353

4/3/53

NOTE: May be added to (H) a.i.

SBR 3353 4.353

4/3/53

Rural Welfare Deptt.(V)

a762-V/53

pp. 3-13 c/f

Sub: H.R.&.C.E.Act, 1951 - ~~Sri~~ Srimath Anantashwarar temple, Manjeshwar - Appeal petition against orders of Deputy Commissioner, Coimbatore —.

Ref: Revision Petition dated 12-2-53 from Sri Vittal Bhat.

pp. 3-13 c/f

* p.15 c/f

Sri Vittal Bhat, Manager, Srimath Anantheshwar temple, Manjeshwar, South Kanara District has filed a petition under section 99 of the H.R.&.C.E.Act, 1951 requesting that the memorandum of the Deputy Commissioner, H.R.&.C.E(Administration) Department, Coimbatore may be either annulled, reversed or remitted for reconsideration. The Memo of the Deputy Commissioner on p.15 c.f. may be read. Though under sec.99 of the Act, Government can call for records of the Deputy Commissioner and revise his orders if necessary, yet it seems that the petitioner could have moved the Commissioner first under section 18 of the Hindu Religious and Charitable Endowments Act, 1951 before moving the Govt. in the matter. In the circumstances it is for consideration whether the petition need be referred to the Dy.Commissioner for remarks or whether the petitioner may be directed to approach the Commissioner first.

18.2.53

The petitioner should approach the Comm. first before taking up the matter to Govt.

19.2.53

DRS

19.2.53

A draft Cender is put up

DDR 19.2.53

U.2.53

20.2.53

M (Rev)